



# ***STATE OF WISCONSIN***

## ***DEPARTMENT OF NATURAL RESOURCES***

### **GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM WPDES PERMIT NO. WI-S067849-5**

#### **TIER 1 INDUSTRIAL FACILITIES**

In compliance with the provisions of ch. 283, Wis. Stats., and ch. NR 216, Wis. Adm. Code, any **Tier 1** facility as defined in ch. NR 216, Wis. Adm. Code, and located in the State of Wisconsin, excluding initial coverage within Indian Country after September 30, 2001, that discharges

#### **STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY**

and meeting the applicability criteria in section 2 of this permit and that receives a letter from the Wisconsin Department of Natural Resources (Department) granting coverage under this permit, is authorized to discharge storm water to waters of the state provided that the discharge is in accordance with the conditions set forth in this permit.

This permit is issued by the Department and covers storm water discharges from the facility as of the **Start Date** of permit coverage to the permittee. For initial permit coverage, the Department will transmit a cover letter to the permittee stating that the facility is covered under this permit. Initial coverage under this permit will become effective at a facility beginning upon the **Start Date** specified by the Department in the cover letter. For an existing facility with permit coverage under a previously issued version of the Tier 1 general permit, coverage under this permit will become effective at the facility beginning upon the **Effective Date** below. For these facilities, the **Effective Date** is the **Start Date**.

State of Wisconsin Department of Natural Resources  
For the Secretary

By \_\_\_\_\_  
Brian Weigel, Director  
Bureau of Watershed Management

XXX XX, 2021  
Date

**PERMIT EFFECTIVE DATE:** **DATE**, 2021

**PERMIT EXPIRATION DATE:** **DATE**, 2025

<u>Table of Contents</u>	<u>Page</u>
1. Application Requirements	3
2. Permit Applicability Criteria	4
3. Storm Water Pollution Prevention Plan	13
4. Monitoring Requirements	19
5. Compliance and Reporting Requirements	23
6. General Conditions	25

**Note:** Information about the Department of Natural Resources' storm water program, this general permit, forms, and other helpful resources is available at <https://dnr.wisconsin.gov/topic/Stormwater>.

## 1. APPLICATION REQUIREMENTS

**1.1 Initial Permit Coverage** The owner or operator of a Tier 1 industrial facility type listed in s. NR 216.21(2)(a), Wis. Adm. Code, and not previously covered under the Tier 1 general permit shall submit a complete Notice of Intent (NOI) to the Department to apply for coverage under an industrial storm water discharge permit in accordance with the time frames in s. NR 216.22(2), Wis. Adm. Code. Within 30 calendar days of receipt of the NOI, the Department will evaluate the information submitted in the NOI to determine whether the NOI is complete, whether additional information is needed for review, whether the facility will be covered under this permit or an individual permit, or whether coverage under a permit will be denied. Based upon this evaluation, unless notified to the contrary by the Department, within 30 calendar days of receipt of the NOI the Department will transmit a cover letter to the owner or operator indicating the **Start Date** upon which permit coverage becomes effective at the facility with instructions on where to download the permit from the Department website. In the alternative, a hard copy of the permit will be mailed to the owner or operator of the facility upon request.

Note: The NOI form (Form 3400-163), information about submitting via the Department's Water ePermitting System, and general permit are available for download from the Department website at: <https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

**1.2 Existing Permit Coverage** Unless the Department makes a determination for an individual WPDES permit under section 2.4.7, a Tier 1 industrial facility type listed in s. NR 216.21(2)(a), Wis. Adm. Code, with existing Tier 1 general permit coverage prior to the **Effective Date** of this permit is automatically covered under this permit as of the **Effective Date**. For these permittees, the **Effective Date** is the permittee's **Start Date**. The Department will notify the owner or operator of the facility's continued coverage under this permit with instructions on where to download the permit from the Department website. In the alternative, a hard copy of the permit will be mailed to the owner or operator of the facility upon request.

Note: The general permit is available on the Department website at: <https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

**1.3 No Exposure Certification** The owner or operator of a facility not currently covered under this permit that has submitted a Conditional No Exposure Certification to the Department in accordance with s. NR 216.21(3), Wis. Adm. Code, but that has been denied a No Exposure Exclusion by the Department shall apply for permit coverage in accordance with section 1.1 of this permit within 14-working days of being notified by the Department of the denial. The owner or operator of a facility that has previously been granted a No Exposure Exclusion by the Department but that has had that exclusion revoked shall apply for permit coverage in accordance with section 1.1 of this permit within 14-working days of being notified by the Department of the revocation.

**1.4 Permit Coverage Transfers** A permittee who will no longer control the permitted industrial facility may request that permit coverage be transferred to the person who will control the industrial facility. The transfer request shall be signed by both the permittee and the new owner or operator and sent electronically through the Department's Water ePermitting System. The Department may require additional information including an NOI to be filed prior to transferring permit coverage. Coverage is not transferred until the Department sends notification of transfer approval to the new owner or operator. The transfer request shall contain the following information:

**1.4.1** The name and address of the facility.

**1.4.2** The Facility Identification Number.

**1.4.3** The names of the persons involved in the transfer, their signatures, and date of signatures.

**1.4.4** A description of any significant changes in the operation of the facility.

**1.4.5** A statement of acknowledgement by the transferee that it will be the permittee of record and is responsible for compliance with the permit.

Note: The Transfer of Coverage form (Form 3400-222) and information about submitting via the Department's Water ePermitting System are available on the Department website at:  
<https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

### **1.5 Permit Coverage Terminations**

If the permittee no longer claims coverage under this permit, the permittee shall submit a signed Notice of Termination (NOT) to the Department in accordance with s. NR 216.32, Wis. Adm. Code.

Note: The NOT form (Form 3400-170) and information about submitting via the Department's Water ePermitting System are available on the Department website at:  
<https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

## 2. PERMIT APPLICABILITY CRITERIA

**2.1 Applicability** This permit applies to point sources at facilities which discharge contaminated storm water associated with industrial activity to waters of the state, either directly or via a separate storm sewer system, originating from industrial facilities belonging to:

**2.1.1** Heavy manufacturers defined by their primary Standard Industrial Classification (SIC) Code, which represents the primary income-producing activity at the facility:

<u>SIC</u>	<u>Description</u>
24--	Lumber & Wood Products
26--	Paper & Allied Products
28--	Chemicals & Allied Products
29--	Petroleum Refining & Related Industries
311-	Leather Tanning & Finishing
32--	Stone, Clay, Glass, & Concrete Products
33--	Primary Metal Industries
3441	Fabricated Structural Metal
373-	Ship & Boat Bldg. & Repair

Note: Facilities in SIC Codes 2434, 265-, 267-, 283-, 285-, 2951, 323-, 3271, 3272 and 3273 are generally covered under a Tier 2 general permit.

**2.1.2** Facilities involved in the recycling of materials such as metal scrap yards, battery reclaimers, salvage yards, automobile junk yards, and facilities handling scrap and waste materials included in, but not limited to, the SIC Codes 5015 and 5093. However, a facility with SIC code 5015 or 5093 may be covered by an industry-specific general storm water permit issued by the Department pursuant to s. NR 216.24, Wis. Adm. Code, rather than being covered under this permit.

**2.1.3** Facilities with bulk storage piles for coal, metallic and non-metallic minerals and ores, and scrap not otherwise covered, such as those associated with freight transportation, SIC Code 44--, and wholesale trade, SIC Code 5052.

Note: In 1997, the North American Industry Classification System (NAICS) was developed as the standard for use by Federal agencies in classifying business establishments and has been adopted by Federal agencies to replace the SIC Code system. As a result, an industrial facility identified in sections 2.1.1, 2.1.2, or 2.1.3 of this permit may have an NAICS Code assigned to it by a Federal agency, trade association, or other organization. If needed, the Department may use Federal data to convert the NAICS Code to the corresponding SIC Code for purposes of determining the applicability of this permit to the facility.

**2.1.4** Any other facilities which the Department has determined to be more appropriately covered by this Tier 1 general permit.

**2.2 Authorized Discharges** This permit authorizes storm water point source discharges to waters of the State from industrial activities identified in section 2.1 of this permit. This permit also authorizes the

discharge of storm water commingled with flows contributed by process and non-process wastewater, provided those flows are regulated by other WPDES permits, if required.

**2.3 Exclusions** This permit does not apply to any of the following:

**2.3.1** Diffused surface drainage or agricultural storm water discharges.

**2.3.2** Non-storm water discharges.

**2.3.3** Non-storm water discharges for which coverage under an individual or general WPDES permit is not required, including landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands and fire fighting.

**2.3.4** Inactive, closed or capped landfills that have no potential for contamination of storm water. The Department shall make a determination of contamination potential on a case-by-case basis.

**2.3.5** Remedial action discharges or discharges authorized by a WPDES permit for discharging contaminated or uncontaminated groundwater.

**2.3.6** Areas located on plant lands that are segregated from the industrial activities of the plant, such as office buildings and accompanying parking lots, if the drainage from the segregated areas is not mixed with contaminated storm water drainage.

**2.3.7** Storm water discharges into a municipal combined sewer system.

Note: Areas where this exclusion may apply include portions of the City of Milwaukee, the City of Superior, and the Village of Shorewood.

**2.3.8** Storm water discharges from an industrial facility for which the owner or operator has submitted a Conditional No Exposure Certification to the Department in accordance with s. NR 216.21(3), Wis. Adm. Code, provided that the Department concurs with the no exposure certification and the conditions under which a No Exposure Exclusion was granted remain in effect.

**2.4 Discharges Not Covered by this Permit** The following are not authorized under this permit:

**2.4.1** Storm water discharges within Indian Country for which initial coverage under this permit is sought after September 30, 2001. Industrial storm water discharges within Indian Country from nontribal lands that have state coverage under a general storm water permit prior to September 30, 2001, continue to be covered under this permit for purposes of state law.

Note: Indian County is defined under 18 USC §1151. Contact the Department for non-tribal storm water discharges within Indian Country to determine if state permit coverage from the Department is required.

**2.4.2** Discharges of hazardous substances that are required to be reported under ch. NR 706, Wis. Adm. Code.

**2.4.3** Storm water discharges that affect wetlands, unless the Department determines that the storm water discharges comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

**2.4.4** Storm water discharges that affect endangered and threatened resources, unless the Department determines that the storm water discharges comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code.

**2.4.5** Storm water discharges that affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40(3), Wis. Stats.

**2.4.6** Storm water discharges from land disturbing construction activity affecting one acre or more of land that require storm water permit coverage under subch. III of NR 216, Wis. Adm. Code, for new construction, reconstruction, or expansion of an industrial facility.

Note Storm water discharges from areas of bare soil due to the normal industrial operation of the facility are covered under this permit provided those areas are managed in accordance with section 3.3.2.8.2.

**2.4.7** Facilities where the Department makes a determination, pursuant to s. 283.35(3), Wis. Stats. or s. NR 216.25(3), Wis. Adm. Code, that a storm water discharge is more appropriately covered under an individual WPDES permit. The Department may make this determination if one or more of the following conditions are met:

**2.4.7.1** The storm water discharge is potentially a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit.

**2.4.7.2** The facility is not in compliance with the terms and condition of this permit or Subchapter II of ch. NR 216, Wis. Adm. Code.

**2.4.7.3** Numeric effluent limitations or standards are promulgated for a storm water discharge covered by this permit.

**2.4.7.4** Storm water discharges that are regulated by permits containing storm water effluent limitations.

**2.4.8** Storm water discharges in violation of the regulation of injection wells under ch. NR 815, Wis. Adm. Code.

Note: Information about the Department's injection well program may be found at:  
<https://dnr.wi.gov/topic/wells/uiw.html>.

**2.4.9** Discharges associated with activities subject to any of the federal effluent limitation guidelines listed in Table 1 below:

**Table 1.**

<b>Regulated Activity</b>	<b>40 CFR Part/Subpart</b>
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A
Runoff from asphalt emulsion facilities	Part 443, Subpart A
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D
Runoff from hazardous waste landfills	Part 445, Subpart A
Runoff from non-hazardous waste landfills	Part 445, Subpart B
Runoff from coal storage piles at steam electric generating facilities	Part 423
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449

Note: The federal effluent limitations guidelines are available at the following website:

<https://www.epa.gov/eg/industrial-effluent-guidelines>. Discharges associated with activities subject to any of the federal effluent limitation guidelines listed in Table 1 require coverage under a separate WPDES general permit or individual permit. However, these industrial facilities still require coverage under this permit for discharges not subject to the federal effluent limitation guidelines listed in Table 1.

## **2.5 Water Quality Standards**

**2.5.1** This permit specifies the conditions under which storm water may be discharged to waters of the state for the purpose of achieving water quality standards contained in chs. NR 102 through 105, NR 140, and NR 207, Wis. Adm. Code. For the term of this permit, compliance with water quality standards will be addressed by adherence to general narrative-type storm water discharge limitations and implementation of a storm water pollution prevention plan.

**2.5.2** This permit does not authorize storm water discharges that the Department, prior to authorization of coverage under this permit, determines will cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standard. Where such determinations have been made prior to authorization, the Department may notify the applicant that an individual permit application is necessary. However, the Department may authorize coverage



under this permit where the storm water pollution prevention plan required under this permit will include appropriate controls and implementation procedures designed to bring the storm water discharge into compliance with water quality standards.

## 2.6 Outstanding and Exceptional Resource Waters

**2.6.1** Storm water discharges from industrial facilities covered under a previously issued version of this permit shall comply with sections 2.6.2 through 2.6.5 as of the **Effective Date**. Storm water discharges from industrial facilities covered under this permit after the **Effective Date** shall comply with sections 2.6.2 through 2.6.5 as of the **Start Date** of coverage under this permit.

**2.6.2** The permittee shall determine whether any part of its facility discharges storm water to an outstanding resource water (ORW) or exceptional resource water (ERW). ORWs and ERWs are listed in ss. NR 102.10 and 102.11, Wis. Adm. Code, respectively.

Note: A list of ORWs and ERWs may be found on the Department website at:  
<https://dnr.wi.gov/topic/surfacewater/orwerw.html>.

**2.6.3** The permittee may not establish a new storm water discharge of pollutants directly to an ORW or an ERW unless the discharge of pollutants is equal to or less than existing levels of pollutants immediately upstream of the discharge site. The storm water pollution prevention plan required under section 3 of this permit shall include practices designed to meet this requirement for new discharges.

**2.6.3.1** “New storm water discharge” or “new discharge” means a storm water discharge that would first occur after the permittee’s **Start Date** of coverage under this permit to a surface water to which the facility did not previously discharge storm water, and does not include an increase in a storm water discharge to a surface water to which the facility discharged on or before coverage under this permit.

**2.6.4** The permittee may increase an existing storm water discharge directly to an ERW only if the increased discharge will not cause a significant lowering of water quality and the discharge is related to important economic or social development.

**2.6.5** The permittee may increase an existing storm water discharge to an ORW only if the increased discharge of pollutants is equal to or less than the background levels of the pollutant upstream of the discharge and the discharge is related to important economic or social development.

## 2.7 Impaired Water Bodies and Total Maximum Daily Load Requirements

**2.7.1** “Pollutant(s) of concern” means a pollutant that is contributing to the impairment of a water body.

**2.7.2** By February 15<sup>th</sup> of each calendar year, the permittee shall perform an annual check to determine whether its facility discharges a pollutant of concern via storm water to an impaired water body listed in accordance with Section 303 (d) (1) of the Federal Clean Water Act, 33 USC §1313 (d) (1) (C), and the implementing regulation of the U.S. Environmental Protection Agency USEPA), 40 CFR §130.7 (c) (1). Impaired waters are those listed as not meeting applicable surface water quality

standards. The results of the annual check shall be documented with the Annual Facility Site Compliance Inspection required under section 4.3.1 of this permit.

Note: The Department updates the list approximately every two years. The updated list is effective upon approval by the USEPA. The current list may be found on the Department website at: <https://dnr.wi.gov/topic/impairedwaters/>.

**2.7.3** A permittee that discharges a pollutant of concern via storm water to an impaired water body shall, within 180 days of the annual check that determines the facility discharges to an impaired water body, include a written section in the storm water pollution prevention plan that specifically identifies source area pollution prevention controls and storm water best management practices that will collectively be used to reduce, with the goal of eliminating, the storm water discharge of pollutant(s) of concern that contribute to the impairment of the water body and explain why these controls and practices were chosen as opposed to other alternatives. Changes identified in the storm water pollution prevention plan shall be implemented with the 180-day timeframe.

Note: For a permittee that discharges a pollutant of concern via storm water to an impaired water body, amending the storm water pollution prevention plan will be required after the initial annual check and if subsequent annual checks indicate additional pollutants of concern have been added, additional water bodies have been designated as impaired, or other relevant changes to the designation have occurred.

**2.7.4** The permittee may not establish a new storm water discharge of a pollutant of concern to an impaired water body or significantly increase an existing discharge of a pollutant of concern to an impaired water body unless the new or increased discharge does not contribute to the receiving water impairment, or the discharge is consistent with a State and Federal approved total maximum daily load (TMDL) allocation for the impaired water body.

**2.7.4.1** “New storm water discharge” or “new discharge” has the meaning given in section 2.6.3.1 of this permit.

**2.7.5** By February 15<sup>th</sup> each calendar year, the permittee shall perform an annual check to determine whether its facility discharges a pollutant of concern via storm water to a water body included in a State and Federal approved TMDL. If so, the permittee shall assess whether any TMDL wasteload allocation for the facility’s discharge is being met through the existing pollution prevention controls and storm water best management practices or whether additional controls or treatment are necessary and feasible. The assessment of the feasibility of additional controls or treatment shall focus on the ability to improve pollution prevention and treatment system effectiveness and the adequacy of implementation and maintenance of the additional controls or treatment. The results of the annual check shall be documented with the Annual Facility Site Compliance Inspection required under section 4.3.1 of this permit.

Note: The current State and Federal approved TMDLs may be found on the Department website at: <https://dnr.wi.gov/topic/tmdls/>.

**2.7.6** Within 180 days of the annual check that determines the facility discharges to a TMDL allocated water body, a permittee that is included in a State and Federal approved TMDL shall submit to the Department a proposed implementation plan for the storm water discharge that meets the requirements of the State and Federal approved TMDL wasteload allocation for the facility. The

proposed TMDL implementation plan shall specify any feasible pollution prevention and treatment improvements that could be made and specify any revisions or redesigns that could be implemented to increase the effectiveness of the permittee's storm water pollution prevention controls and treatment practices. The TMDL implementation plan shall also specify a time schedule for implementation of the improvements, revisions, or redesigns necessary to meet the wasteload allocation for the facility. If a specific wasteload allocation has not been assigned to the facility under a TMDL, compliance with this permit shall be deemed to be in compliance with the TMDL.

## **2.8 Fish and Aquatic Life Waters**

**2.8.1** The permittee shall determine whether it will have a storm water discharge to a fish and aquatic life water as defined in s. NR 102.13, Wis. Adm. Code.

Note: Most receiving waters of the state are classified as a fish and aquatic life waters and this classification includes all surface waters of the state except ORWs, ERWs, Great Lakes system waters and variance water identified within ss. NR 104.05 through 104.10, Wis. Adm. Code. The Department may be consulted if the permittee is not certain of the classification.

**2.8.2** The permittee may not establish a new storm water discharge of pollutants to a fish and aquatic life water if the discharge will result in the significant lowering of water quality of the fish and aquatic life water. Significant lowering of water quality is defined within ch. NR 207, Wis. Adm. Code.

**2.8.2.1** "New storm water discharge" or "new discharge" has the meaning given in section 2.6.3.1 of this permit.

**2.8.3** If the permittee's facility has an existing storm water discharge to a fish and aquatic life water, it may not increase the discharge of pollutants if the increased discharge would result in a significant lowering of water quality.

**2.8.4** Any increased or new discharge of storm water authorized under this permit shall be related to important economic or social development.

**2.9 Toxic Pollutants** In accordance with s. NR 102.12 Wis. Adm. Code, a new discharge and increased discharge as defined in ch. NR 207, Wis. Adm. Code, of persistent, bioaccumulating toxic substances to the Great Lakes waters or their tributaries shall be avoided or limited to the maximum extent practicable. Any new or increased discharge of these substances is prohibited unless the permittee certifies that the new or increased discharge is necessary after utilization of best technology in process or control using waste minimization, pollution prevention, municipal pretreatment programs, material substitution or other means of commercially available technologies which have demonstrated capability for similar applications.

**2.10 Minimum Source Area Control Requirements** All permittees shall comply with the following minimum source area control requirements. The Storm Water Pollution Prevention Plan required under section 3 shall identify how each source area control requirement will be met. Source area controls shall be utilized to prevent storm water from becoming contaminated at the facility. Structural source area controls that are either proposed or in place at the facility shall be indicated on the facility drainage base map described in section 3.3.2.2 of this permit. The permittee shall:

**2.10.1** Minimize exposure of pollutants associated with the potential sources of storm water contamination identified in section 3.3.2.4 of this permit.

**2.10.2** Use good house-keeping measures such as sweeping, appropriate storage, and proper management of waste materials and dumpsters/compactors.

**2.10.3** Maintain both structural and non-structural control measures, institute preventive maintenance for vehicles and equipment, and perform routine visual inspections.

**2.10.4** Minimize the potential for leaks, spills, and other releases that may contaminate storm water, and institute spill prevention and response measures, including spill reporting described in section 6.5 of this permit.

**2.10.5** Stabilize areas of bare soil with vegetation or through permanent land cover to control soil erosion, or when that is not possible, implement best management practices to meet the requirements of section 3.3.2.8.2 of this permit.

**2.10.6** Construct and maintain salt storage facilities so that neither precipitation nor storm water runoff can come into contact with the stored salt in order to minimize pollutant discharges.

**2.10.6.1** Salt storage piles shall be constructed on an impervious, curbed surface to prevent salt or brine from passing through the base and reaching waters of the state. Salt storage piles shall be enclosed by a building or structure with walls and a cover sufficient to prevent contact between precipitation and the salt and to prevent wind from eroding the salt or carrying any amount of the substance into potential contact with the waters of the state. Alternatively, for permittees that use brine and have salt storage piles on impervious curbed surfaces, install and maintain a means of diverting contaminated storm water to a brine treatment system for process use.

**2.10.6.2** Any salt spillage resulting from activities such as loading or unloading, shall be immediately cleaned up to minimize contact with storm water.

**2.10.7** Train and raise awareness of employees as appropriate on storm water pollution prevention, the requirements of this permit, and their specific responsibilities in implementing any of the requirements, practices, or activities of this permit or the Storm Water Pollution Prevention Plan.

**2.10.8** Evaluate the facility for the presence of non-storm water discharges as specified in section 4.2. of this permit.

Note: This permit does not cover non-storm water discharges. See section 2.3.

**2.10.9** Minimize dust and off-site tracking of soil, raw materials, intermediate products, final products, or waste materials.

**2.10.10** If applicable, use a combination of storm water contact control or containment, drainage controls, or diversions to control SARA Title III Section 313 "Water Priority Chemicals" (42 USC s. 11023 (c)) potentially discharged through the action of storm water runoff, leaching, or wind.

**2.11 Compliance with Runoff Management Performance Standards** The owner or operator of a facility subject to the performance standards in s. NR 151.12 or ss. NR 151.121 to 151.128, Wis. Adm. Code, shall describe in the Storm Water Pollution Prevention Plan the best management practices necessary to maintain compliance with the applicable performance standards in s. NR 151.12 or ss. NR 151.121 to 151.128, Wis. Adm. Code, for those areas that are described in s. NR 151.12(2) or s. NR 151.121(2), Wis. Adm. Code, respectively. Best management practices installed to meet the performance standards in s. NR 151.12 or s. NR 151.121 to 151.128, Wis. Adm. Code, shall be maintained to meet the treatment capability as originally designed.

### 3. STORM WATER POLLUTION PREVENTION PLAN

**3.1 Storm Water Pollution Prevention Plan Required** In accordance with s. NR 216.27, Wis. Adm. Code, and section 3.3 of this permit, the owner or operator of a facility requiring coverage under this permit shall prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to applying for permit coverage under s. NR 216.22, Wis. Adm. Code.

**3.2 Incorporation by Reference** When plans are developed or activities conducted in accordance with other federal, state or local regulatory programs that meet the requirements of section 3.3.2 of this permit, the plans may be incorporated by the permittee into the SWPPP by reference.

#### 3.3 Purpose and Content of a Storm Water Pollution Plan

**3.3.1 Purpose of the Plan** Any SWPPP prepared to comply with this permit shall do all of the following:

**3.3.1.1** Identify sources of storm water and non-storm water contamination to the storm water drainage system.

**3.3.1.2** Identify and prescribe appropriate "source area control" type best management practices designed to prevent storm water contamination from occurring.

**3.3.1.3** Identify and prescribe "storm water treatment" type best management practices to reduce pollutants in contaminated storm water prior to discharge.

**3.3.1.4** Prescribe actions needed either to bring non-storm water discharges under an appropriate WPDES permit or to remove these discharges from the storm drainage system.

**3.3.1.5** Prescribe an implementation schedule so as to ensure that the storm water management actions prescribed in the SWPPP are carried out in a timely manner and evaluated on a regular basis.

**3.3.2 Required Plan Content** The SWPPP shall contain, at a minimum, the following items and provisions:

**3.3.2.1 Pollution Prevention Individual** The SWPPP shall identify by job title the specific individual who has primary responsibility for all aspects of SWPPP development and implementation and identify any other individuals concerned with SWPPP development or implementation, and their respective roles. The specific individual who has primary responsibility shall develop, evaluate, maintain and revise the SWPPP, and carry out the specific management actions identified in the SWPPP, including maintenance practices, monitoring activities, preparing and submitting reports, recordkeeping, and serving as facility contact for the Department.

**3.3.2.2 Facility Site Description and Drainage Base Map** The SWPPP shall contain a short summary of the major activities conducted at various locations throughout the facility. The SWPPP shall also include a facility drainage base map depicting all of the following:

**3.3.2.2.1** How storm water drains on, through and from the facility to groundwater, surface water, or wetlands.

**3.3.2.2.2** The facility property boundaries.

**3.3.2.2.3** The storm drainage collection and disposal system including all surface and subsurface conveyances.

**3.3.2.2.4** Any secondary containment structures.

**3.3.2.2.5** The location of all outfalls that discharge channelized flow to groundwater, surface water or wetlands, including outfalls recognized as permitted outfalls under another WPDES permit, numbered for reference.

**3.3.2.2.6** The drainage area boundary for each outfall.

**3.3.2.2.7** The surface area in acres draining to each outfall, including the percentage that is impervious such as paved, roofed or highly compacted soil, and the percentage that is pervious such as grassy areas and woods.

**3.3.2.2.8** Existing structural storm water controls.

**3.3.2.2.9** The name and location of receiving waters.

**3.3.2.2.10** The location of activities and materials that have the potential to contaminate storm water.

**3.3.2.3 Summary of Existing Sampling Data or Observations** The SWPPP shall summarize any results of available storm water sampling data or other observations that characterize the quality of storm water discharges or identifying sources of storm water contamination. Available data that characterizes the quality of storm water discharges under dry weather flow conditions shall also be included, except when such data has been or will be reported to the Department under another WPDES permit.

**3.3.2.4 Potential Sources of Storm Water Contamination** The SWPPP shall identify any significant pollutants or activities associated with the storm water pollution source areas identified in this permit. When possible, specific pollutants likely to be present in storm water as a result of contact with specific materials shall also be listed. The SWPPP shall identify all potential source areas of storm water contamination, including but not limited to:

**3.3.2.4.1** Outdoor manufacturing areas.

**3.3.2.4.2** Rooftops contaminated by industrial activity, exhaust vents, or a pollution control device.

**3.3.2.4.3** Industrial plant yards.

**3.3.2.4.4** Storage and maintenance areas for material handling equipment.

**3.3.2.4.5** Immediate access roads and rail lines owned or operated by the permittee.

**3.3.2.4.6** Material handling sites including storage, loading, unloading, transportation, or conveyance of any raw material, finished product, intermediate product and by-product or waste areas.

**3.3.2.4.7** Storage areas (including tank farms) for raw materials, finished and intermediate products.

**3.3.2.4.8** Disposal or application of wastewater.

**3.3.2.4.9** Areas containing residual pollutants from past industrial activity.

**3.3.2.4.10** Areas of significant soil erosion, including areas of bare soil.

**3.3.2.4.11** Refuse sites.

**3.3.2.4.12** Vehicle maintenance and cleaning areas.

**3.3.2.4.13** Washing areas for equipment, vehicles, containers, or other items.

**3.3.2.4.14** Shipping and receiving areas.

**3.3.2.4.15** Manufacturing buildings.

**3.3.2.4.16** Residual treatment, storage, and disposal sites.

**3.3.2.4.17** Any other areas capable of contaminating storm water runoff.

**3.3.2.5 Status of Non-Storm Water Discharges to the Storm Sewer** The SWPPP shall identify all known contaminated and uncontaminated sources of non-storm water discharges to the storm sewer system or waters of the state and indicate which are covered by WPDES permits. The SWPPP shall contain the results of the non-storm water discharge monitoring required by s. NR 216.28, Wis. Adm. Code. If monitoring is not feasible due to the lack of suitable access to an appropriate monitoring location, the SWPPP shall include a statement that the monitoring could not be conducted and an explanation of the reasons why.

**3.3.2.6 Source Area Control Best Management Practices** The SWPPP shall rely, to the maximum extent practicable, on the use of source area control best management practices designed to prevent storm water from becoming contaminated at the facility. Source area control best management practices that are either proposed or in place at the facility shall be indicated on the facility drainage base map described in section 3.3.2.2 of this permit. The SWPPP shall provide for the use of the following source area control best management practices:

**3.3.2.6.1** Activities to stabilize areas of bare soil with vegetation or through permanent land cover to control soil erosion.



**3.3.2.6.2** Good house-keeping measures, preventive maintenance measures, visual inspections, spill prevention and response measures, and employee training and awareness.

**3.3.2.6.3** Manage salt storage facilities so that neither precipitation nor storm water runoff can come into contact with the stored salt in order to minimize pollutant discharges. Alternatively, for permittees that use brine and have salt storage piles on impervious curbed surfaces, install and maintain a means of diverting contaminated storm water to a brine treatment system for process use.

**3.3.2.6.4** Use of a combination of storm water contact control or containment, drainage controls, or diversions to control SARA Title III Section 313 "Water Priority Chemicals" (42 USC s. 11023 (c)) potentially discharged through the action of storm water runoff, leaching, or wind.

**3.3.2.7 Residual Pollutants** The SWPPP shall identify pollutants that are likely to contaminate storm water discharges to waters of the state following implementation of source area control best management practices. Past sampling data collected at the facility or at sufficiently similar outfalls at other facilities may be used in making this determination. At a minimum, the following pollutants shall be considered for their potential to contaminate storm water:

**3.3.2.7.1** Any pollutant for which an effluent limitation is contained in any discharge permit issued to the permittee, for this facility, by the Department.

**3.3.2.7.2** Any pollutant contained in a categorical effluent limitation or pre-treatment standard to which the facility is subject.

**3.3.2.7.3** Any SARA Title III Section 313 "Water Priority Chemical" (42 USC s. 11023 (c)) for which the permittee, for this facility, has reporting requirements and which has the potential for contaminating storm water.

**3.3.2.7.4** Any other toxic or hazardous pollutants from present or past activity at the site that remain in contact with precipitation or storm water and which could be discharged to the waters of the state, and which are not regulated by another environmental program.

**3.3.2.7.5** Any of the following parameters which might be present in significant concentrations: Oil and grease, pH, total suspended solids, 5-day biological oxygen demand, and chemical oxygen demand.

**3.3.2.8 Storm Water Treatment Best Management Practices** When source area control best management practices are not practicable or are inadequate to control storm water pollution, or when the Department determines source area control best management practices are inadequate to achieve a water quality standard, the SWPPP shall prescribe appropriate storm water treatment practices as needed to reduce the pollutants in contaminated storm water prior to discharge to waters of the state. Proposed or existing storm water treatment practices shall be shown on the facility drainage basin map described in section 3.3.2.2 of this permit. The SWPPP shall provide for the following types of storm water treatment practices:

**3.3.2.8.1** Storm water significantly contaminated with petroleum products shall be treated for oil and grease removal by an adequately sized, designed, and functioning wastewater treatment device. Coverage under a separate individual or general permit is required for discharges of storm water from oil/water treatment devices. Under s. 281.41, Wis. Stats., prior Department approval of plans for oil and grease removal devices may be required.

**3.3.2.8.2** Storm water discharges contaminated by sediment eroding from areas of bare soil that cannot be stabilized by pavement, gravel, vegetation, or other permanent land cover shall be treated by best management practices designed, installed and maintained to achieve compliance with the construction site performance standards in s. NR 151.11(6m), Wis. Adm. Code, and in accordance with the Department's Construction Site Erosion and Sediment Control Technical Standards.

Note: The Construction Site Erosion and Sediment Control Technical Standards are available at the following Department website:

[https://dnr.wi.gov/topic/stormwater/standards/const\\_standards.html](https://dnr.wi.gov/topic/stormwater/standards/const_standards.html).

**3.3.2.9 Facility Monitoring** The SWPPP shall include provisions for complying with the monitoring requirements specified in s. NR 216.28, Wis. Adm. Code, and section 4 of this permit. The SWPPP shall include a checklist of inspections to be made during the annual facility site inspection required by s. NR 216.28(2), Wis. Adm. Code. The SWPPP shall also identify for each outfall the type of monitoring that will be conducted, such as non-storm discharge monitoring, storm water discharge quality inspections or chemical storm water sampling. The following are requirements for permittees covered under this permit:

**3.3.2.9.1** A list of chemical parameters proposed for testing at each outfall shall be included along with the analytic sample testing procedures from ch. NR 219, Wis. Adm. Code, that will be used to determine pollutant concentrations.

**3.3.2.9.2** The list of chemical parameters shall include each of the residual pollutants identified in s. NR 216.27(3)(j), Wis. Adm. Code, and section 3.3.2.7 of this permit, or an explanation of why the pollutant should not be included in the chemical testing.

**3.3.2.9.3** The list of chemical parameters shall include the pollutants identified in the most current version of the USEPA's Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP). The facility's primary SIC code shall be used to determine the appropriate pollutants to test for from the USEPA's MSGP.

Note: The USEPA's MSGP is available at the following website:

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>.

**3.3.2.10 SWPPP Implementation Schedule** The SWPPP shall include an implementation schedule for the requirements of this permit that meet the compliance timeframes set forth in this permit.

**3.3.2.11 Certification and Signature** The SWPPP shall be signed in accordance with s. NR 216.22(7), Wis. Adm. Code, and contain the following statement:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**3.4 Amending a SWPPP** Unless an alternative timeframe is specified by the Department, the permittee shall amend and submit the SWPPP to the department within 30 days of the occurrence of any of the following circumstances:

**3.4.1** When expansion, production increases, process modifications, changes in material handling or storage, or other activities are planned which will result in significant increases in the exposure of pollutants to storm water discharged either to waters of the state or to storm water treatment devices. The amendment shall contain a description of the new activities that contribute to the increased pollutant loading, planned source control activities that will be used to control pollutant loads, an estimate of the new or increased discharge of pollutants following treatment, and when appropriate, a description of the effect of the new or increased discharge on existing storm water treatment facilities.

**3.4.2.** The comprehensive annual facility site compliance inspection, quarterly visual inspection of storm water quality, or other information reveals that the provisions of the SWPPP are ineffective in controlling storm water pollutants discharged to waters of the state.

**3.4.3** Upon written notice that the Department finds the SWPPP to be ineffective in achieving the conditions of this permit.

**3.5 Storm Water Discharges to Outstanding and Exceptional Resource Waters** If the permittee's industrial storm water will discharge to an outstanding resource water or exceptional resource water, the permittee shall include a written section in the SWPPP that discusses and identifies the management practices and control measures the permittee will implement to prevent the discharge of any pollutant(s) in excess of the background level within the water body. This section of the permittee's plan shall specifically identify control measures and practices that will collectively be used to prevent the discharge of pollutants in excess of the background level within the water body.

## 4. MONITORING REQUIREMENTS

**4.1 Purpose** Monitoring includes site inspections, non-storm water discharge assessments, and the collection and analysis of storm water samples. The purpose of monitoring is to evaluate storm water outfalls for the presence of non-storm water discharges and to collect data to assist in evaluating the effectiveness of the permittee's pollution prevention activities in controlling contamination of storm water discharges.

### 4.2 Evaluation of Non-Storm Water Discharges

**4.2.1** The permittee shall evaluate all storm water outfalls for non-storm water contributions to the storm drainage system for the duration of this permit. Any monitoring shall be representative of non-storm water discharges from the facility. Evaluations shall take place during dry periods, and may include either end of pipe screening or detailed testing of the storm sewer collection system. Either of the following monitoring procedures is acceptable:

**4.2.1.1** A detailed testing of the storm sewer collection system may be performed. Acceptable testing methods include dye testing, smoke testing, or video camera observation. The Department may require a re-test after 5 years or a lesser period as deemed necessary by the Department.

**4.2.1.2** End of pipe screening shall consist of visual observations made at least twice per year at each outfall of the storm sewer collection system. Instances of dry weather flow, stains, sludge, color, odor, or other indications of a non-storm water discharge shall be recorded.

**4.2.2** In addition to maintaining results on-site at the facility, results of the non-storm water evaluations shall be included in the SWPPP required in section 3.3.2.5 of this permit and the Annual Facility Site Compliance Inspection report required in section 5.2 of this permit. Information reported shall include the date of testing, test method, outfall location, testing results, and potential significant sources of non-storm water discovered through testing. Upon discovering non-storm water flows that are not covered under another WPDES permit, the permittee shall either immediately seek coverage under another permit from the Department or eliminate the non-storm water flow.

**4.2.3** Any permittee unable to evaluate an outfall for non-storm water discharges shall sign a statement certifying that this requirement could not be complied with, and include a copy of the statement in the SWPPP and the Annual Facility Site Compliance Inspection report. The statement shall be submitted to the Department within 30 days after the permittee determines that it is unable to evaluate an outfall.

**4.3 Evaluation of Storm Water Discharges** The permittee shall evaluate storm water outfalls for storm water contributions to the storm drainage system. Any monitoring shall be representative of storm water discharges from the facility.

**4.3.1 Annual Facility Site Compliance Inspection** Permittees shall perform and document the results of an Annual Facility Site Compliance Inspection (AFSCI). The AFSCI shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the best management practices prescribed in the SWPPP are being implemented, properly operated and adequately maintained. Information reported shall include the

inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP.

**4.3.2 Quarterly Visual Monitoring** Permittees shall perform and document quarterly visual inspections of storm water discharge quality at each storm water discharge outfall. Inspections shall be conducted within the first 30 minutes of discharge or as soon thereafter as practical, but not exceeding 60 minutes. The inspections shall include any observations of color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution. Information reported shall include the inspection date, inspection personnel, visual quality of the storm water discharge, and probable sources of any observed storm water contamination.

#### **4.3.3 Annual Chemical Storm Water Sampling and Analysis**

**4.3.3.1 Facilities Granted Initial Permit Coverage** Unless the Department has approved an alternative monitoring plan as part of the SWPPP, permittees granted initial coverage under this permit shall, within 12 months of the start date of coverage under this permit, perform their first annual chemical storm water sampling at each outfall for those residual pollutants listed in the SWPPP as required under section 3.3.2.7 of this permit. Between 12 and 24 months of the start date of coverage under this permit, permittees shall perform their second annual chemical storm water sampling at each outfall for those residual pollutants listed in the SWPPP as required under section 3.3.2.7 of this permit. Annual results of chemical storm water sampling shall be submitted with the AFSCI report required under section 5.2 of this permit. Unless directed otherwise by the Department as specified in section 4.3.3.2 of this permit, annual chemical storm water sampling may be discontinued after submitting the second AFSCI report.

**4.3.3.2 Facilities Where Annual Chemical Sampling Previously Performed** Permittees that have previously performed two rounds of annual chemical storm water sampling as required in section 4.3.3.1 of this permit shall, as directed by the Department, perform additional sampling for any of the following reasons:

**4.3.3.2.1** The initial sampling results show a reasonable potential that a storm water discharge from the facility will exceed a water quality standard.

**4.3.3.2.2** The Department believes that a storm water discharge from the facility may be a significant contributor of a pollutant to a water of the state.

**4.3.3.2.3** Additional sampling is needed to determine the effectiveness of the permittee's SWPPP.

**4.3.3.2.4** The Department determines that the sampling is needed to assess compliance with the permit.

**4.3.3.3 Requirements for Chemical Storm Water Sampling** The following are specific requirements for chemical storm water monitoring:

**4.3.3.3.1** The list of pollutants to be tested at the storm water outfall shall be identified in the SWPPP.

**4.3.3.3.2** When a permittee's facility has more than one outfall with substantially similar storm water discharges based on consideration of industrial activity, significant materials, and management, one outfall may be selected to represent the group of similar outfalls, provided that this strategy has been clearly stated in the permittee's SWPPP and that the representative outfall is clearly identified as such on the drainage base map. No more than 5 outfalls with discharges representative of storm water discharged from the facility need to be sampled. A permittee may voluntarily collect and analyze additional samples.

**4.3.3.3.3** After review of the SWPPP or the chemical monitoring results, the Department may add additional pollutants to the monitoring list if it has reason to believe that the pollutants will be present in storm water discharges from the facility. The Department may also remove pollutants from the monitoring list if it determines that continued monitoring for the pollutant serves no further purpose.

**4.3.3.3.4** Storm water samples shall be collected during the period of March through November from a rainfall event that produces greater than 0.1 inch of rainfall and occurs at least 72 hours after a previous rainfall of 0.1 inch or greater.

**4.3.3.3.5** Storm water samples shall be representative of either of the following:

**4.3.3.3.5.1** The "first flush" of storm water runoff from the outfall. Composite samples are required for all pollutants except those for which analytic techniques require grab samples. The composite sample shall be collected during the first 30 minutes of runoff. At least 3 separate samples shall be collected for compositing, and the collection of samples should be evenly spaced throughout the sampling period; or

**4.3.3.3.5.2** The storm water discharged from a detention pond that has greater than a 24-hour holding time for a representative storm. A grab sample is required for all pollutants. The grab sample shall be representative of the storm water discharge from the pond outfall.

**4.3.3.3.6** An alternative sampling collection time may be specified by the Department if the Department determines it is necessary to obtain a representative sample of storm water runoff from the site.

**4.3.3.4** Monitoring samples shall be representative of the volume and nature of the monitored discharge. Analytic testing shall comply with ch. NR 219, Wis. Adm. Code, unless an alternate procedure is approved by the Department prior to the initiation of sampling.

**4.3.3.5** For each storm water measurement or sample taken, the permittee shall record and submit the following information to the Department in the AFSCI report for the respective reporting year:

**4.3.3.5.1** The date, exact place, method and time of sampling or measurements;

**4.3.3.5.2** The name of the individual who performed the sampling or measurements;

**4.3.3.5.3** The date the analysis was performed;

**4.3.3.5.4** The name of the certified laboratory that performed the analysis;

**4.3.3.5.5** The analytical techniques or methods used;

**4.3.3.5.6** The results of the analysis;

**4.3.3.5.7** The estimated duration of the rainfall event, in hours, and the estimated total amount of precipitation falling during the rainfall event, in inches.

**4.3.4 Monitoring Waivers** The Department may waive specific monitoring requirements for the following reasons:

**4.3.4.1** The permittee indicates that either an employee could not reasonably be present at the facility at the time of the snowmelt or runoff event, or that attempts to meet the monitoring requirement would endanger employee safety or well-being.

**4.3.4.2** The permittee indicates that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at an outfall. A waiver is automatically granted for a quarter where the permittee sufficiently documents and retains records demonstrating that there were no snow melt or runoff events large enough to conduct a quarterly visual inspection at the facility during that quarter. Documentation and records used to qualify for an automatic waiver shall be submitted to the Department upon request.

**4.3.4.3** The facility is inactive or remote facility (such as an inactive mining operation) where the permittee demonstrates that monitoring and inspection activities are impractical or unnecessary. At a minimum, the Department shall establish an alternative requirement that the permittee make site inspections by a qualified individual at least once in every 3-year period.

**4.3.4.4** The permittee demonstrates to the Department's satisfaction that the sources of storm water contamination are outside of the permittee's property boundary and are not associated with the permittee's activities. The demonstration shall be presented in the SWPPP or AFSCI report and submitted to the Department for evaluation.

## 5. COMPLIANCE AND REPORTING REQUIREMENTS

### 5.1 SWPPP Compliance and Reporting Requirements

**5.1.1** An owner or operator of a facility requiring coverage under this permit shall prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to applying for permit coverage under s. NR 216.22, Wis. Adm. Code, and shall submit the SWPPP to the Department when applying for coverage under this permit. For existing facilities that previously operated without required permit coverage and without a SWPPP as required, the owner or operator shall immediately develop a SWPPP and the SWPPP to the Department when applying for coverage under this permit, and implement the SWPPP to achieve compliance with this permit in the shortest practicable time.

**5.1.2** The SWPPP shall conform to the requirements specified in s. NR 216.27 (3), Wis. Adm. Code, and section 3.3 of this permit.

**5.1.3** The SWPPP shall be kept at the facility and made available to the Department for inspection and copying upon request. If storm water discharges from the facility enter a municipal separate storm sewer system covered under a storm water permit pursuant to Subchapter I of ch. NR 216, Wis. Adm. Code, the SWPPP shall be made available to the owner or operator of the municipal separate storm sewer system for inspection and copying upon request.

**5.1.4** Unless an alternate implementation schedule is specified by the Department, the SWPPP shall be implemented in accordance with the implementation schedule developed under section 3.3.2.10 of this permit.

**5.1.5** The permittee shall keep the SWPPP current and correct deficiencies in the SWPPP as they are identified. The permittee shall amend the SWPPP and submit it to the Department in the event of any facility operational changes that may result in additional significant storm water contamination.

### 5.2 Monitoring Compliance and Reporting Requirements

**5.2.1** The permittee shall conduct the first Annual Facility Site Compliance Inspection (AFSCI) within 12 months of the **Start Date** of coverage under this general permit and submit the AFSCI report to the Department within 18 months of the **Start Date** of coverage. The second AFSCI shall be conducted between 12 and 24 months of the **Start Date** of coverage under this general permit and the AFSCI report submitted to the Department within 30 months of the **Start Date** of coverage. Subsequent AFSCIs shall be conducted and AFSCI reports prepared by the permittee by the anniversary of the **Start Date** for each year of coverage under this permit. Reports shall be written on forms available from the Department and shall contain information from the AFSCI, the quarterly visual inspection, the non-storm water evaluation, and storm water chemical monitoring. Although permittees may cease the submittal of AFSCI reports after their second-year submittal, copies of all of AFSCI reports, quarterly visual inspections and non-storm water monitoring reports shall be maintained on site at the facility and made available to the Department for inspection and copying upon request for the duration of permit coverage.

Note: The AFSCI Report form, Quarterly Visual Inspection form, and Storm Water Chemical Analysis Report form are available on the Department website at:  
<https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.



**5.2.2** Quarterly visual inspections of storm water discharge quality shall be conducted by the permittee four times annually by the anniversary date of **Start Date** of coverage under the permit.

**5.2.3** The permittee shall submit the first annual chemical monitoring results with the first AFSCI report and the second annual chemical monitoring results with the second AFSCI report.

**5.2.4** Results for any chemical sampling required by the Department under section 4.3.3.2 of this permit beyond the first two rounds of annual chemical storm water sampling shall be submitted to the Department within 30 days after the permittee receives the results of that chemical sampling.

### **5.3 Discharges to Regulated Municipal Separate Storm Sewer Systems**

**5.3.1** Permittees regulated under this permit with storm water discharges and non-storm water discharges entering a municipal separate storm sewer system covered under a storm water permit pursuant to Subchapter I of ch. NR 216, Wis. Adm. Code, shall provide information on these discharges to the owner or operator of the municipal separate storm sewer system upon request. Information the permittee shall provide includes the area or sub-areas of the facility draining to the municipal separate storm sewer system, the nature of industrial activity and potential storm water contamination sources in the areas draining to the system, the nature and number of non-storm water discharges to the system, storm water best management practices employed at the facility and their effectiveness at pollutant removal, storm water monitoring data, and copies of the SWPPP and AFSCI reports.

**5.3.2** Upon discovering a previously unknown non-storm water discharge to the municipal separate storm sewer system that is not authorized to discharge under a required WPDES permit or that is an illicit discharge as defined by s. NR 216.002(11), Wis. Adm. Code, the permittee shall immediately report the discharge to the owner or operator of the municipal separate storm sewer system.

**5.3.3** The permittee shall immediately report spills or dumping of materials that enter the municipal separate storm sewer system to the owner or operator of the system.

**5.3.4** In accordance with the owner or operator's established authority to control discharges to its municipal separate storm sewer system, the permittee shall assist the owner or operator of the system with detecting and eliminating illicit discharges to the system to the maximum extent practicable if the owner or operator finds that the source of an illicit discharge may originate from the permittee's facility.

**6. GENERAL CONDITIONS** The general conditions in s. NR 205.07(1), (3), and (5), Wis. Adm. Code, are hereby incorporated by reference into this permit, except for s. NR 205.07(1)(n) and (3)(b), Wis. Adm. Code. Under s. NR 205.08(9), Wis. Adm. Code, dischargers covered under a storm water general permit are not required to submit an application for reissuance unless directed to do so by the Department under s. NR 216.22(9), Wis. Adm. Code. The requirements for spill reporting are in section 6.5 below.

Note: Chapter NR 205 is available at the following website:  
[https://docs.legis.wisconsin.gov/code/admin\\_code/nr/200](https://docs.legis.wisconsin.gov/code/admin_code/nr/200).

**6.1 Work near Surface Waters and Wetlands** Activities performed in wetland areas, in floodplains, or near shorelands may require permits or approvals through applicable state law, state regulations, or

county or local ordinances. Additionally, state permits or contracts required by chs. 30, 31 and 87, Wis. Stats. and s. 281.36, Wis. Stats. (or Wisconsin Administrative Code promulgated under these laws), and federal permits may be applicable.

**6.2 Continuation of the Expired General Permit** As provided in s. NR 205.08(9), Wis. Adm. Code, and s. 227.51, Wis. Stat., the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied.

**6.3 Liabilities under Other Laws** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the federal Clean Water Act (33 USC s. 1321), any applicable federal, state, or local law or regulation under authority preserved by Section 510 of the Clean Water Act (33 USC s. 1370).

**6.4 Severability** The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.

**6.5 Spill Reporting** The permittee shall notify the Department immediately of any release or spill of a hazardous substance to the environment in accordance with s. 292.11, Wis. Stats., and ch. NR 706, Wis. Adm. Code.

Note: The 24-hour toll free spills hotline number is (800) 943-0003. Information about hazardous substance spills is available from the Department's website at: <https://dnr.wi.gov/topic/Spills/>.

**6.6 Submitting Records** Any forms or reports submitted to the Department of Natural Resources in accordance with this permit shall be submitted via the Department's Water ePermitting System available at: <https://dnr.wi.gov/topic/stormwater/industrial/forms.html>.

**6.7 Enforcement** Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89, Wis. Stats.

**6.8 Permit Fee** A storm water discharge permit fee shall be paid annually for each industrial facility covered under this permit. The permittee will be billed by the Department annually in May of each year and the fee is due by June 30 of each year in accordance with s. NR 216.30, Wis. Adm. Code. A permittee may be referred to the Wisconsin Department of Revenue for the collection of any unpaid storm water fee.